

TITLE 16

Health and Safety

PART II

Regulatory Provisions Concerning Public Health

CHAPTER 19. MOSQUITO CONTROL

§ 1901. Department of Natural Resources and Environmental Control -- Supervision.

The duties, powers and functions of the former Mosquito Control Commission of the State and the State Highway Department shall be under the supervision and control of the Department of Natural Resources and Environmental Control, which Department may perform all the duties, powers and functions formerly vested in the Mosquito Control Commission and the State Highway Department. (Code 1935, c. 182; 45 Del. Laws, c. 27, § 1; 16 Del. C. 1953, § 1901; 57 Del. Laws, c. 739, §§ 228-230.)

§ 1902. Department of Natural Resources and Environmental Control -- Powers and duties.

(a) The Department of Natural Resources and Environmental Control, hereinafter referred to as the Department, may:

(1) Take all necessary and proper steps and measures for the eradication of mosquitoes;

(2) Treat as nuisances all stagnant pools of water or other breeding places of mosquitoes;

(3) Purchase all needed equipment, supplies and materials, and employ such labor and services as may be proper or necessary in the furtherance of the objects of this chapter and fix the compensation and prescribe the duties of all employees, agents and servants;

(4) Enter upon land, whether privately owned or not, for the purpose of determining the breeding places of mosquitoes and treat with proper means all such breeding places wherever situated, doing no unnecessary damage; and

(5) Generally do any and all things necessary or incident to the powers granted and to carry out the objects specified in this chapter.

(b) In a location not adjacent to a city or town, control measures taken for the eradication of mosquitoes shall be such as not to be injurious to wildlife. The Department shall perform and exercise the authority and powers granted under this chapter within the limitations of any appropriation made under any appropriation act of the General Assembly for mosquito control purposes. (Code 1935, c. 182; 45 Del. Laws, c. 309, § 1; 46 Del. Laws, c. 309, § 1; 16 Del. C. 1953, § 1902.)

§ 1903. Declaration of nuisance.

Any accumulation of water in which mosquitoes are breeding or are likely to breed is declared to be a nuisance. (Code 1935, c. 182; 45 Del. Laws, c. 271, § 3; 46 Del. Laws, c. 309, § 2; 16 Del. C. 1953, § 1903.)

§ 1904. Publication of notice of entry; claims, damages and payments.

Before entering upon any lands for such purposes as are outlined under § 1902 of this title, the Department shall publish at least once during the year, immediately following the approval by the Department of its plans for work during the ensuing year, in at least 2 newspapers in the county where work is to be performed and in which such a paper is published a general description of the land with the names of the owners thereof as shown by the last assessment rolls, if known, and, if the name of the owner or owners be unknown, that fact must be stated and published. Any person objecting to or who is aggrieved or who claims damages due to the execution of the work of the Department shall file a protest with the Department setting forth the grievance or claim. The Department shall thereupon and within 30 days after the filing of such protest or claim set a day for a public hearing thereof. In all such cases the decision of the Department as to the necessity of such work shall be final. Any damage claimed by any party on account of entry work of the Department upon that party's property shall be determined by action in court to be tried in the county. The amount of any damage that may be awarded such party shall be paid by the Department. (Code 1935, c. 182; 45 Del Laws, c.

271, § 4; 46 Del. Laws, c. 309, § 2; 16 Del. C. 1953, § 1904; 57 Del. Laws, c. 739, § 232; 70 Del. Laws, c. 186, § 1.)

§ 1905. Obstructions and interferences.

Whoever obstructs or interferes with the entry of the Department or its employees upon land or who obstructs or interferes with, molests or damages any of the work performed by it is guilty of a misdemeanor. (Code 1935, c. 182; 45 Del. Laws, c. 271, § 5; 46 Del. Laws, c. 309, § 2; 16 Del. C. 1953, § 1905; 57 Del. Laws, c. 739, § 233.)

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